



Water Industry Act 1991

1991 CHAPTER 56

PART VI

UNDERTAKERS' POWERS AND WORKS

CHAPTER I

UNDERTAKERS' POWERS

Powers in relation to land

155 Compulsory purchase.

- (1) A relevant undertaker may be authorised by the Secretary of State to purchase compulsorily any land anywhere in England and Wales which is required by the undertaker for the purposes of, or in connection with, the carrying out of its functions.
- (2) The power of the Secretary of State under subsection (1) above shall include power—
 - (a) to authorise the acquisition of interests in and rights over land by the creation of new interests and rights; and
 - (b) by authorising the acquisition by a relevant undertaker of any rights over land which is to be or has been acquired by that undertaker, to provide for the extinguishment of those rights.
- (3) Without prejudice to the generality of subsection (1) above, the land which a relevant undertaker may be authorised under that subsection to purchase compulsorily shall include land which is or will be required for the purpose of being given in exchange for, or for any right over, any other land which for the purposes of the ^{M1}Acquisition of Land Act 1981 is or forms part of a common, open space or a fuel or field garden allotment.
- (4) Subject to section 188 below, the ^{M2}Acquisition of Land Act 1981 shall apply to any compulsory purchase under subsection (1) above of any land by a relevant undertaker;

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and Schedule 3 to the said Act of 1981 shall apply to the compulsory acquisition under that subsection of rights by the creation of new rights.

- (5) Schedule 9 to this Act shall have effect for the purpose of modifying enactments relating to compensation and the provisions of the ^{M3}Compulsory Purchase Act 1965 in their application in relation to the compulsory acquisition under subsection (1) above of a right over land by the creation of a new right.
- (6) The provisions of Part I of the ^{M4}Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8, 10, 21, 27(1) and 31 and Schedule 4, shall apply in relation to any power to acquire land by agreement which is conferred (whether by virtue of the [^{F1}articles] of the company for the time being carrying out the functions of the undertaker or any enactment or otherwise) on a relevant undertaker, as if—
- (a) any reference in those provisions to the acquiring authority were a reference to that undertaker; and
 - (b) any reference to land subject to compulsory purchase were a reference to land which may be purchased by agreement under that power.

Textual Amendments

- F1** Word in s. 155(6) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order (S.I. 2009/1941), art. 2(1), {Sch. 1 para. 126(2)} (with art. 10)

Modifications etc. (not altering text)

- C1** S. 155: functions for certain purposes exercisable concurrently with the Secretary of State (W.) (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**

Marginal Citations

- M1** 1981 c. 67.
M2 1981 c. 67.
M3 1965 c. 56.
M4 1965 c. 56.

156 Restriction on disposals of land.

- (1) A company holding an appointment under Chapter I of Part II of this Act shall not dispose of any of its protected land, or of any interest or right in or over any of that land, except with the consent of, or in accordance with a general authorisation given by, the Secretary of State.
- (2) A consent or authorisation for the purposes of this section—
- (a) shall be set out in a notice served by the Secretary of State on the company which is or may be authorised, by virtue of the provision contained in the notice, to dispose of land or of interests or rights in or over land or, as the case may be, on every such company; and
 - (b) in the case of an authorisation, may be combined with an authorisation for the purposes of section 157 of the ^{M5}Water Resources Act 1991.
- (3) A consent or authorisation for the purposes of this section may be given on such conditions as the Secretary of State considers appropriate.

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- (4) Without prejudice to the generality of subsection (3) above and subject to subsection (5) below, the conditions of a consent or authorisation for the purposes of this section may include—
- (a) a requirement that, before there is any disposal, an opportunity of acquiring the land in question, or an interest or right in or over that land, is to be made available, in such manner and on such terms as may be specified in or determined under provision contained in the notice setting out the consent or authorisation, to such person as may be so specified or determined;
 - (b) a requirement that the company making the disposal has complied with such of the conditions of its appointment under Chapter I of Part II of this Act as relate to the disposal of its protected land or of any interest or right in or over that land;
 - (c) a requirement that the company, before making a disposal in a case in which the land in question is situated in a National Park, in the Broads or in an area of outstanding natural beauty or special scientific interest, should do one or both of the following, that is to say—
 - (i) [^{F2}consult with Natural England (as respects land in England) or [^{F3}the NRBW] (as respects land in Wales); and
 - (ii) enter into such management agreements or such covenants under subsection (6) below as the Secretary of State may determine;]
 - (d) provision requiring determinations under or for the purposes of the consent or authorisation to be made, in such cases as are mentioned in paragraph (c) above, either by [^{F4}Natural England] or [^{F3}the NRBW] or only after consultation with [^{F5}Natural England or [^{F3}the NRBW]] .
- (5) A consent or authorisation shall not be given on any such condition as is mentioned in subsection (4)(a) above except where the Secretary of State is satisfied that the condition will have effect in relation only to—
- (a) land which, or any interest in or right over which, was acquired by the relevant undertaker in question, or any predecessor of that undertaker, either compulsorily or at a time when the undertaker or that predecessor was authorised to acquire it compulsorily; or
 - (b) land situated in a National Park, in the Broads or in an area of outstanding natural beauty or special scientific interest.
- (6) Where a company holding an appointment under Chapter I of Part II of this Act is proposing, in such a case as is mentioned in subsection (4)(c) above, to dispose of, or of any interest or right in or over, any of its protected land, it may enter into a covenant with the Secretary of State by virtue of which it accepts obligations with respect to—
- (a) the freedom of access to the land that is to be afforded to members of the public or to persons of any description; or
 - (b) the use or management of the land;
- and a covenant under this subsection shall bind all persons deriving title from or under that company and shall be enforceable by the Secretary of State accordingly.
- (7) Section 3 above shall have effect for the purposes of this section as if every proposal which—
- (a) is made by a company holding an appointment as a relevant undertaker with respect to land in a National Park, in the Broads or in an area of outstanding natural beauty or special scientific interest, or with respect to any interest or right in or over any such land; and

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(b) is a proposal for which the Secretary of State's consent or authorisation is required under this section,
 were a proposal relating to the functions of such an undertaker.

(8) In this section—

“area of outstanding natural beauty or special scientific interest” means an area which—

- (a) is for the time being designated as an area of outstanding natural beauty [^{F6}under section 82 of the Countryside and Rights of Way Act 2000 of the ^{M6}Countryside and Rights of Way Act 2000]; or
- [^{F7}(b) is a site of special scientific interest within the meaning of the ^{M7}Wildlife and Countryside Act 1981;]

and the reference in subsection (4)(c) above to an area of special scientific interest shall, accordingly, be construed as a reference to an area such as is mentioned in paragraph (b) of this definition;^{F8} . . .

“the Broads” has the same meaning as in the ^{M8}Norfolk and Suffolk Broads Act 1988.

[^{F9}“management agreement” means—

- (a) in relation to land in England, an agreement under section 39 of the Wildlife and Countryside Act 1981 or section 7 of the Natural Environment and Rural Communities Act 2006;
- (b) in relation to land in Wales, an agreement under section 39 of the Wildlife and Countryside Act 1981 [^{F10}or section 16 of the Environment (Wales) Act 2016].]

Textual Amendments

- F2** S. 156(4)(c)(i)(ii) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 131\(2\)](#); S.I. 2006/2541, [art. 2](#)
- F3** Words in s. 156(4) substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\), art. 1\(2\), Sch. 2 para. 249](#) (with Sch. 7)
- F4** Words in s. 156(4)(d) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 131\(3\)\(a\)](#); S.I. 2006/2541, [art. 2](#)
- F5** Words in s. 156(4)(d) substituted (1.10.2006) by virtue of [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 131\(3\)\(b\)](#); S.I. 2006/2541, [art. 2](#)
- F6** S. 156(8): words in definition of “area of outstanding natural beauty or special scientific interest” in para. (a) substituted (1.4.2001 for E. and 1.5.2001 for W.) by [2000 c. 37, s. 93, Sch. 15 Pt. I para. 12](#); [S.I. 2001/114, art. 2\(2\)\(e\)](#); [S.I. 2001/1410, art. 2\(g\)](#)
- F7** S. 156(8): para. (b) in definition of “area of outstanding natural beauty or special scientific interest” substituted (30.1.2001) by [2000 c. 37, ss. 76\(1\), 103\(2\), Sch. 10 Pt. II para. 9](#)
- F8** Word in s. 156(8) repealed (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\)\(2\), 107, Sch. 11 para. 131\(4\), Sch. 12](#); S.I. 2006/2541, [art. 2](#)
- F9** S. 156(8): definition inserted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), ss. 105\(1\), 107, Sch. 11 para. 131\(4\)](#); S.I. 2006/2541, [art. 2](#)
- F10** Words in s. 156(8) inserted (21.5.2016) by [Environment \(Wales\) Act 2016 \(anaw 3\), s. 88\(2\)\(a\), Sch. 2 para. 5](#)

Marginal Citations

- M5** 1991 c. 57.
M6 2000 c. 37.
M7 1981 c. 69.

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M8 1988 c. 4.

157 Byelaws with respect to undertakers’ waterways and land.

- (1) Every relevant undertaker shall have power to make such byelaws as are mentioned in subsection (2) below with respect to any waterway owned or managed by that body and with respect to any land held or managed with the waterway.
- (2) The byelaws referred to in subsection (1) above in relation to any waterway or to any land held or managed with any such waterway are byelaws for any of the following purposes, that is to say—
 - (a) the preservation of order on or in any such waterway or land;
 - (b) the prevention of damage to anything on or in any such waterway or land or to any such land;
 - (c) securing that persons resorting to any such waterway or land so behave as to avoid undue interference with the enjoyment of the waterway or land by others.
- (3) Without prejudice to the generality of any of the paragraphs of subsection (2) above, the byelaws mentioned in that subsection include byelaws—
 - (a) regulating sailing, boating, bathing and fishing and other forms of recreation;
 - (b) prohibiting the use of the waterway in question by boats which are not for the time being registered, in such manner as may be required by the byelaws, with the undertaker making the byelaws;
 - (c) requiring the provision of such sanitary appliances as may be necessary for the purpose of preventing pollution;
 - (d) providing for a contravention of the byelaws to constitute a summary offence punishable, on summary conviction, by a fine not exceeding level 5 on the standard scale or such smaller sum as may be specified in the byelaws; and
 - (e) authorising the making of reasonable charges in respect of the registration of boats for the purposes of the byelaws.
- (4) Schedule 10 to this Act shall have effect with respect to byelaws under this section.
- (5) Byelaws made under this section shall cease to have effect at the end of the period of ten years beginning with the day on which they were made; but the Secretary of State may by order made by statutory instrument make provision in relation to any particular byelaws for those byelaws to continue to have effect for such period after the time when they would otherwise cease to have effect as may be specified in the order.
- (6) In this section—

“boat” includes a vessel of any description, and “boating” shall be construed accordingly;

“waterway” has the same meaning as in the National Parks and Access to the^{M9}Countryside Act 1949.

Marginal Citations

M9 1949 c. 97.

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